LIBERATION NEWS SERVICE

#482 November 22, 1972

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November 22, 1972

Table of Contents

Billy Dean Smith found innocent of Dragging: "I Can't Be Free until the War is Over". 1

California Fails to Press Murder Charges Against Killer of Richard Oakes, Native American Leader at Alcatraz Occupation ... 3

Black Workers Lead Wildcat Strikes in Atlanta . 4

Tell Us All About Your Interesting Past...Grand Juries and How to Deal with Them..... 6

Oasis Builds Playground for Jet-Set in Southwest Africa..... 8

"I Have No Doubt It Was a Deputy Sheriff Who Fired". 9

Grounds for a Coffee Boycott: U.S. Companies Buy Angolan Coffee..... 10

Tobacco Finds Gold Mine in Sports Competition....10

Please Note ! The order of pages in this packet is: 1, 2, 3, 6, 5, 4, 7, 8, 9, 10

Graphics

Cover: East Baton Rouge cops, one with a shot gun, stand over the bodies of two Southern University students killed following tear-gassing of the administration building. See story, p. 9. Credit/LNS

Rising Up Angry comix about hospital care; Billy Dean Smith, tear-gas at S.U. administration building photo P-1

Line graphics. Women's liberation symbol with rifle; two women abstract; tourists contributing to repression in Spain; Nixon-Kissinger-Agnew animal friends; man under banner "Laws Protecting Women" rides woman's back..... P-2

Table of Malcontents

Collective: Anne Dockery, Beryl Epstein, Howie Epstein, Cidne Hart, Rozy Melnicoff, Sandy Shea, Mike Shuster, Ron Sirak

Comrades: Margarita Lejarza, Laurie Lewis, Pierce Nylund, Safra Epstein

Correspondents: Schofield Coryell--Paris
Mark Wilson--Montreal
Richard Trench--Belfast
Teddy Franklin--Box 4547, Berkeley California 94704

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continued from page 10...

Open and the Raleigh Golf Classic and many more. In auto racing, where the cigarette sponsors have really moved in, drivers chase after prize money from the Camel Cup series, the Winston Cup, and the L & M Continental Five Thousand series.

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(Thanks to Outlaw)

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BILLY DEAN SMITH FOUND INNOCENT OF FRAGGING:
"I CAN'T BE FREE UNTIL THE WAR IS OVER"

by Teddy Franklin

LIBERATION News Service

"I've been sitting in pre-trial confinement, maximum security, for a long and lonely period of time. I was accused, charged, found guilty, and sentenced to death while I was still in Vietnam simply because I didn't have a puppet mind and I was a candid, outspoken individual. I had stated time and time again that I realized that the war in Indochina was unjust and racially motivated, and most of all I strictly hated all who had a high regard for the habitual butchery of the Vietnamese people.

"I've been digging these pigs carefully and I know that when my vindication comes, it shall be through the massive awareness of social justice, not through military injustice."

--Private Billy Dean Smith, before his fragging trial.

FORT ORD, California (LNS)-- Private Billy Dean Smith, the first GI charged with fragging his officers in Vietnam, walked along the sand dunes of Monterey. The 24-year-old black soldier from Watts needed one huge breath of fresh air.

He had spent the last 20 months under lock and key, undergoing a solitary ordeal which began on the other side of the Pacific Ocean at a United States Army base called Bien Hoa.

His case, which attracted international attention as the symbol of GI resistance to the U.S. military, ended in a resounding defeat for the Pentagon. In mid-November a jury composed of seven career officers acquitted Smith of six charges, including the fragging deaths of two white lieutenants and the attempted murder of Captain Randall Rigby and First Sergeant Billy Willis, Smith's unit commanders at Bien Hoa, Vietnam.

"I am pleased that seven conscientious army men showed the courage and conscience to exonerate me," Smith quietly explained to a San Francisco press conference called jointly with Angela Davis. "But a fair trial for me as in the case of my sister, Angela Davis, would have meant no trail at all."

While the press corps grumbled noisily over his decision not to answer questions from the floor, Smith went on to attack the Vietnam war.

"I am glad to be free," he said, "but I can't really be free until the war in Southeast Asia is over. The blood of six million Vietnamese has soaked the soil in that land."

Smith explained his prosecution as part of an effort to intimidate anti-war GIs and discourage the wave of fraggings which eliminated hundreds of unpopular offieers in the final years of the massive U.S. infantry presence in South Vietnam.

"The Army needed a scapegoat and singled me out because I was an outspoken critic of the war and was not afraid to expose the racism of the Vietnam war," Smith told reporters.

He announced his intention of "dedicating the rest of my life to working for the freedom of all political prisoners everywhere." His own freedom will be somewhat limited by the one conviction sustained by the jury that acquitted him of six more serious charges.

In its single concession to the prosecution, the military tribunal held Smith guilty of kneeing and spitting on the officer who arrested him 90 minutes after the fraggings took place. For this one assault conviction, Smith will get a bad conduct (dishonorable) discharge, which makes it very difficult to get a straight job. He will also lose all his back pay.

Angela Davis termed Smith's acquittal on the major charges: "This victory gives us strength and stimulus to build an organization and movement to free all political prisoners."

"The official intention behind Billy Dean's frame-up," she added, "was to give a lesson to all who protest. It was to serve as a deterrent to efforts to challenge racism and the war."

She drew an analogy between her own trial and Smith's. In both cases, she said, the official plan turned out a "dismal failure" because of the outpouring of popular support for the defendants. And in both cases, the prosecution had failed to come up with any significant evidence of guilt.

At Billy Dean Smith's post-victory press conference, Angela Davis announced the formation of a National Organization to Free All Political Prisoners, and proceeded to give away the $3000 Dimitrov Prize she recently received in Bulgaria.

She donated a $1000 check to Billy Dean Smith's defense, $1000 to the Nguyen Van Troi fund to build a children's hospital in North Vietnam, and $1000 to defend Ruchell Magee and the San Quentin Six.

Ruchell Magee is Angela's former co-defendant in the Marin County courthouse rebellion and the only survivor of the barrage of gunfire which killed Jonathan Jackson and the escaping prisoners. The San Quentin Six are a group of prisoners indicted after George Jackson's assassination in a San Quentin courtyard. Both Ruchell Magee and the San Quentin Six are now fighting possible death penalties.

The trial of Billy Dean Smith did produce a pile of evidence against the United States Army, however. Aside from establishing Billy's innocence, the court heard testimony that vast numbers of GIs use heroin, that American soldiers drag women from Vietnamese villages onto U.S. bases and rape them without reprimand, and that soldiers in Billy's unit frequently talked about killing the unit's commanders.

Other witnesses testified that black soldiers in Vietnam had to band together for survival, since in combat situations white officers frequently ordered them to the front lines while assigning whites to the rear. But the case against Billy spoke for itself:

In the early morning hours of March 15, 1971,

a fragmentation device exploded in an officers barracks in Bien Hoa, Vietnam. Two lieutenants were killed and a third was wounded. Billy's commanding officers usually slept in these barracks but were quartered elsewhere for the night.

When they arrived on the scene, they figured Billy as a "trouble-maker" who had it in for them, and agents of the Army's Criminal Investigation Division (the CID) pulled him out of a lineup of all the men in Billy's battalion. From that day on the Army brass worked day and night to build its sloppy case against Billy Dean Smith.

The only piece of hard evidence against Billy consisted of a grenade pin which the CID claimed it found in his pocket and hour and a half after the fragging. At the trial, an Army expert testified that it "matched" a piece of the grenade found at the explosion site.

The defense pointed out that the Army's expert was the first man in history to attempt to match a grenade pin with the grenade it came from. Defense lawyer Luke McKissack then called three experts who testified emphatically that there is no scientific way of matching grenade pins with their granades.

Former policeman L. B. Miller, now a firearms and tool marks identification expert for the Institute of Forensic Sciences in Oakland, told the court, "I can take two pins pulled apart at random taken from tow parts of the world, possibly, and make a match better than you've got here. In fact, I have."

A senior research engineer for the Apollo and Saturn Space programs who specializes in testing metal wear and damage stated that the pin and the piece of the grenade found at the fragging site were a "bad match" and at best, "inconclusive."

Other witnesses testified that many GIs collect grenade pins the way people once collected matchbook covers or the baseball cards sold with bubblegum.

With so much testimony lodged against the Army's one piece of hard evidence, the defense scarcely needed to point out how unlikely it would be for a soldier to hang onto a grenade pin that might connect him to a fragging. Billy himself insisted that the grenade pin was planted on him at the time of his arrest.

When the prosecution called up its only eyewitness, the Army's case suffered a dramatic collapse.

Bradley Curtis, an unemployed white vet, shocked the courtroom by admitting he was "hostile to the government in this case" and had decided to tell the truth now that he is no longer inside the Army. In a pre-trial interview with prosecution lawyers, Curtis had said that a man he saw running away from the site of the fragging might have been Billy Smith.

But Curtis told the court-martial another story: he was in his room at Bien Hoa army base "reading a book and doing samck -- smoking heroin" when he heard the explosion early on March 15, 1971.

"I sat there for a couple of minutes, then I went outside and saw a lot of people milling around, and a colored man running," Curtis testified. "The man I saw running was not Billy Dean Smith."

The prosecutor, obviously upset, asked Curtis if his powers of observation might have been blurred by heroin and whether he could be certain about identifying the running man.

Curtis admitted that his perceptions might have been blurred, but said he was close enough to know it it was Billy:

"In my heart and mind, I couldn't identify the man as Billy Smith."

"Are you telling us you lied to us outside the court?" barked the prosecutor.

"I didn't exactly lie," Curtis said, "I was intimidated." He added that he didn't mention the heroin before for fear of getting busted, and also didn't think he was under oath outside the courtroom.

Another prosecution witness, who had been shown a frag grenade by a "stocky Caucasian with a beer gut" shortly before the fragging, said that when he told the army investigator about it 20 months ago, "he wasn't interested, he was concentrating on Smith."

Still another prosecution witness said he overheard Smith admit to the fraggings while in the brig. The man's background soon discredited his testimony. He had enlisted in the Army three times under different names and received three undesirable discharges. He had passed $20,000 worth of bad checks while serving in the Army and is currently charged with stabbing someone in the back.

Luther Howard, a friend of Billy's called by the prosecution to testify that Billy wanted to "get Rigby," the unit commander, turned around on the stand. He stated that when he was questioned about the incident in Vietnam, he was told that Smith had implicated him in the fraggins. In return for a promise to testify against Smith he received a promise that he wouldn't be prosecuted.

The prosecution's case was so obviously a grim comedy of errors that the defense hardly needed an alibi for Billy Dean Smith. But Henry McClay, a 22-year-old from Chicago, finished off the last remnants of the Army's case by testifying, "I was in a bunker smoking dope with Billy Smith when we heard the explosion."

McClay told the courtmartial they "didn't pay much attention to the explosion because we were high and thought it was just another incoming round."

They continued smoking marijuana, the black veteran said, until they got "really high and tired and then left the bunker together. As they walked back to the barracks, McClay testified, they were told there was a formation and shakedown inspection so both he and Smith threw away their joints and joined the formation. Billy Dean Smith was then singled out and charged with murder.

McClay admitted that he had never explained his version of the incident until a few days before he

testified. The Army's prosecutor asked why.

McClay said he had heard rumors the next morning that "Billy had confessed and implicated many brothers, so I didn't see any need to. As far as I knew, he had confessed and that was that." In particular, McClay was reluctant to say he had been with Billy at the time of the explosion since the investigators might be looking for "accomplices".

Rumors, threats, fear of reprisals -- that's all the Army's case amounted to by the time the nine-week courtmartial ended. For this, the Army constructed a special courtroom at Ft. Ord, and constructed it three times over. Twice it was destroyed by fire when some of the 40,000 GIs stationed at Ord demonstrated against Smith's jailing.

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CALIFORNIA FAILS TO PRESS MURDER CHARGES AGAINST KILLER OF RICHARD OAKES, NATIVE AMERICAN LEADER AT ALCATRAZ OCCUPATION

Akwesasne Notes/LIBERATION News Service

To Richard Oakes

across earth mother
came your thoughts to me
came the unfurled flag
came freedom
alcatraz

alcatraz denied
freedom denied
our people denied
truth denied
death

life
liberty
the nation
the torch
the people
will rise because of
valient men whose
spirit lives on

ghost shirt
ghost dance
be free

--Columbia

STEWARTS POINT, Ca. (LNS)-- Richard Oakes, (his Mohawk name was Ranoies, meaning Big Man)the Mohawk from Akwesasne who became widely known during the 1969 occupation of Alcatraz Island, was buried here September 27th on his wife's reservation with traditional religious rites.

Oakes was shot through the heart and killed about 5 p.m. on September 21 by the manager of a YMCA summer camp, Micheal O. Morgan. The camp is about ten miles from this tiny Pomo reservation where Oakes lived with his wife's people. He left seven children behind.

The shooting could become "the cause celebre to demonstrate whether Indians are fair game for the white man in California," said attorney Aubrey Grossman, who had represented Oakes and a number of the causes in which he had been involved.

The camp manager has been charged with involuntary manslaughter and is free on $5,000 bail. He claims self-defense in the case.

According to Ron Hodges, a Pequot attorney for the California Indian Legal Services (CILS), two encounters took place between Oakes and Morgan before the fatal shooting.

On September 14, Billy Lazore, a fifteen year old Akwesasne youth visiting the Oakes family, was with Oakes when they passed across the YMCA campground. They encountered Morgan, who drew a weapon on them, challenged them, and fired two shots overhead.

Young Lazore returned six days later, determined to steal two horses to spite the manager-- but he was caught by Morgan and was taken into custody.

The next day, Oakes went to the camp, alone, to inquire about the youth.

Morgan says Oakes appeared from behind a clump of trees and came "menacingly" towards him. He fired his Walther P-38 9mm pistol just once. It pierced Oakes' heart, and when sheriff's deputies arrived at the scene 45 minutes later, they found Oakes lying in the middle of Skaggs Spring Road, dead.

Attorney Hodges said there were absolutely no weapons found on or near Oakes.

The next day, Anne Oakes held a press conference in Santa Rosa, calling for federal and state investigations into the leniency of the charged filed by the district attorney, John Hawkes, against her husband's assailant.

Pointing out that her husband was unarmed and several feet away from Morgan when he was shot down, she noted that the charge against Morgan was a very light one. Attorneys have since requested, through the U.S. Justice Department and California attorney general Evell Younger, that a first degree murder charge be filed.

The district attorney's investigation overlooked evidence showing Morgan "had developed a reputation in the community indicating strong feelings against Indians," CILS attorneys charged. They also point out that failure to charge first degree murder is part of a Northern California pattern in which there have been three killings of INdians by whites in the last nine months. All are now facing charges which the CILS attorneys have termed "inadequate."

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"I didn't know it was wrong to kill Indians."
"I killed those indians because I knew that the government would not condemn us for the crime."

(From the court transcript of the 1972 trial in Colombia, (South America)of persons accused of the murder of 15 native men, women and children. The jury's verdict: "Not Guilty"

-- quoted in Akwesasne Notes

[Note to Editors: See LNS story "Like a Developing Country:" Low Wages and Non-Union Labor Attract Industry to South, in packet #474 and "The Businessmen Know That When We Win This Strike, This Whole City is Going to Go Union:" Hospital Workers in Kentucky Strike, in packet #472 for background material on the Southern migration of Northern firms and on labor movements in the South.]

BLACK WORKERS LEAD WILDCAT STRIKES IN ATLANTA

By Ken Lawrence
Southern Patriot/ LIBERATION News Service

(Editor's Note: In recent years, many U.S. firms have moved Northern factories to Southern cities to take advantage of the unorganized labor force there. For example, Sylvania recently closed its Wilbur B. Driver Co. subsidiary plant in Newark, N.J. and moved to Orangeburg, South Carolina-- ostensibly to be "better able to service our growing Southern market."

Under questioning, though, the president of Driver admitted that the average wage in Orangeburg is $2.57 an hour while average wages in the Newark plant are $4.46 an hour. Driver, it was admitted, will pay its Orangeburg employees $2.58 an hour.

On the average, wages in Southern states are 20% lower than the national average. Since business leaders in Southern towns are interested in attracting Northern money their way, they have a deep interest in keeping the labor force unorganized and the wages low. As a result, strikers in the South must fight not only the company but coalitions of business leaders who realize that if the workers win one strike it will inspire other workers to challenge the bosses.

The following is an account of a series of wildcat strikes that have hit Atlanta, Georgia in the last six months.)

ATLANTA, Ga. (LNS)-- A wave of wildcat strikes, led by black workers and involving more than 6,000 people, has gripped Atlanta since mid-summer.

Employees have struck large factories, food processing plants, department stores, hospitals and nursing homes, chain grocery stores, and small shops. The shortest strike was won in less than 24 hours; and the longest big strike was a bitter one that lasted more than six weeks

The first of the big strikes, the one that sparked several others, was at Sears Roebuck, It began on July 17 when workers walked out of the Sears store in Chamblee.

The issue that set off the strike was discrimination, but the strikers' demands also included improvements in the conditions of all employees, black and white. Two white workers joined the first walkout; a minority of whites were on picket lines throughout the battle.

At first the Sears management tried to ignore the walkout, but when customers, more than 60% black, stayed away in droves, and the possibility of a nationwide boycott was raised, Sears agreed to 39 of 42 demands in a Black Manifesto.

Charges were dropped against 13 persons arrested during the strike, and Sears agreed to give workers $2,000,000 in back pay for the 11 days they were out.

In the wake of this unprecedented victory, black workers began to lead strikes all over Atlanta. In almost every case, smaller numbers of whites joined the walkouts.

Strikes broke out in the shipping department at Pepsi-Cola Co. and the maintenance department at L.L. Ridgeway, manufacturers of reproduction paper and drafting supplies. Workers at Kraft Foods were out one day and won all their demands.

A strike at the large Nabisco bakery began when a foreman fired a black worker, Fred White, for "insubordination" -- in this case going to the toilet without asking permission. The union in the plant, Bakery and Confectionery Workers' Local 42 (AFL-CIO) defended the foreman's action. In an earlier incident, the plant's only black electrician, Joe Ponder, had been fired.

The Nabisco plant employs about 1,000 workers; around 250 are black. Some people had begun a rank-and-file caucus earlier, and that little bit of organization snowballed after Fred White was fired.

Nan Grogan, a white worker at Nabisco said, "People were clear from the start that there were a number of demands, that this was not just a case of one man being fired.

" A central thing is that people feel totally unrepresented by the union. The union represents a small number of older white workers. It services them real well. But when it comes down to fighting discrimination, or working conditions that affect younger workers, the union's just nowhere to be found."

So the Coalition for Constructive Change set up a picket line at the plant. Over 200 blacks stayed out, and were joined by 15 or 20 whites.

One striker was a 60-year-old white woman who had worked at Nabisco for 40 years. She walked the line during a 19-week strike in 1935 to get the union as a bargaining agent.

A boycott of Nabisco products was called. Grocery stores in the black community were asked to remove Nabisco products from their shelves. After one Kroger store had been picketed for five hours, Kroger management removed Nabisco from its shelves throughout the city.

The strike ended when Nabisco agreed to rehire Fred White with one week's back pay, to hire more black workers, and to transfer blacks into white-dominated departments. The company would not give back pay, but let strikers consider strike time as paid vacations if they desired, and offered voluntary overtime.

Nabisco refused to reinstate Joe Ponder, but his union, the International Brotherhood of

Electrical Workers (AFL-CIO) agreed to take his case to arbitration. The workers set up a fund to help Ponder in his struggle.

And all this time, the strike wave continued to spread. Winn-Dixie stores were picketed by employees protesting the preferential treatment of whites. Employees of the Martin Luther King Sr. Nursing Home established Poor Peoples' Union Local 1 to represent themselves. Convalcare, Inc., which own the King home and many others in Georgia, would not negotiate, so 56 of 82 employees struck.

Black workers struck at Atlanta hospital when the administrator fired Sarah Radford, a dietary worker, who has worked there for five years. The hospital had sent her to school to train as a supervisor. But every time the job was open, someone else got it.

One day the head nurse's purse was stolen. All black employees were required to take a lie detector test, but no whites had to. Mrs. Radford says, " When they said I had to take it a second time because it didn't work, I told them if I had to take it again, all the whites would have to take it."

The hospital administrator said she was "disruptive" and fired her. Eleven workers walked out. Three have returned because of financial pressure and five found other jobs. The other three remain on strike.

The biggest and bitterest strike erupted at Mead Packaging Corporation, the largest manufacturer of cardboard boxes in the world. Of Mead's 1,200 employees, 800 are black. The plant has one black foreman and no black supervisors.

Gary Washington, who has worked at Mead three years, and was elected treasurer of the Mead Caucus of Rank and File Workers, described how it happened: "There's always a spark. A girl named Myra Brown got sick on the job. Her foreman wouldn't let her go home, so she fell out. They took her to a hospital.

"They brought her back, saying she was all right. She told them again that she didn't feel well. Going down the steps, she fell out again. That sparked people to walk out.

"We got together and started organizing. We contacted SCLC (Southern Christian Leadership Conference), about nine of us. We used the Sears Roebuck Manifesto as a guide. We took our demands to the company; they didn't want to do anything so we walked out."

About 700 of Mead's workers struck on August 18. At this point the owners, with some help from their friends in the city administration, moved in to break the strike any way they could.

First, a letter was sent to all strikers, asking them to return to work. It was signed by the Mead Corporation officials and the Atlanta Printing Specialities and Paper Products Local 527 (AFL-CIO), the union that represents Mead workers.

The letter failed to weaken the strike. On August 26, the company got an injunction against picketing. In response, picketing was stepped up; a mule train march to the Mead gate was organized. When the 300 marchers tried to prevent scabs from entering the plant at shift change, Atlanta police attacked the demonstrators, badly beating several and arresting seven.

Three days later, another mule train march was held, 500 strong. This time the police tactic was mass arrest, with more than 70 black and white demonstrators arrested. The court did its part again by setting the bail at the maximum-- $1,000.

In addition to the attacks from the company, courts, police, Fulton Country sherrif and district attorney, and the news media, Mead hired a black public-relations firm to put its propaganda on Atlanta's black-oriented radio stations.

Again the strikers stood firm, and overwhelmingly rejected a company offer to settle the strike. But a week later, after seven weeks without strike benefits, they voted to end the strike.

The company promised to meet a few of their demands-- new safety equipment, a training program to upgrade black workers and the company offered to loan each striker $250, to be paid back in weekly installments.

The company insisted that the workers who have been fired or suspended (about 50 strike leaders and activists) be submitted to arbitration by a committe from the company, the union and the community. Committee members were to be chosen by the Rev. Andrew Young, formerly of SCLC, now a candidate for Congress. Many workers vocally opposed these terms but a meeting voted two to one to accept the settlement.

Even more impressive has been the degree of solidarity each group of workers has shown for others on strike. Mead workers helped organize a huge picket line during Nabisco negotiations. Workers striking a small downtown shoe store helped at Nabisco.

In return, Nabisco workers demonstrated at Mead, and collected money from fellow workers to help Mead strikers. Sears workers showed up on the march to Mead.

Nan Grogan summed up developments: "While the backbone of all these strikes is the black workers, and the thing that sparks the whole confrontation is this question of discrimination against black workers, each one of these strikes has raised issues about the general conditions in the plants, thereby laying the basis for unity."

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SOME REMINDERS FROM LNS

Remember to keep us up on what is happening in your area. Send us your paper and call us if something happens that you think we should know about quickly. Also, if any of you know any women who might want to work at LNS tell them to get in touch. Thanks. -30-

TELL US ALL ABOUT YOUR INTEREST[illegible]
GRAND JURIES AND HOW TO DEAL [illegible]

Great Speckled Bird/
LIBERATION News [illegible]

ATLANTA (LNS)--The first four yea[illegible] Administration have seen the fed[illegible] become a major tool for government [illegible] gathering, intimidation, and repre[illegible] than 15 grand juries have subpoena[illegible] mately 150 people to investigate [illegible] activities. Among the targets [illegible] counselling in Los Angeles, the Cat[illegible] Harrisburg, the Mayday demonstrations [illegible] ton, the Weather underground in Calif[illegible] Vietnam Veterans Against the War [illegible] Justice Department officials have [illegible] ral grand jury an "indispensable [illegible]" operations.

The modern federal grand jury [illegible] 16-23 people, selected from the [illegible] lists of the district in which it [illegible] for 18 months.

While the jurors are picked from [illegible] stration lists, it is the judge who [illegible] limited selection. Those who now [illegible] the status quo--youth, blacks, and [illegible] are automatically excluded. From [illegible] federal court for the southern dist[illegible] York drew jurors from Who's Who, the [illegible] ster, the alumni directories of [illegible] Princeton, and Dartmouth, and Poor [illegible] Executives. Today, the methods [illegible] more subtle, but the results are [illegible] The grand jurors in San Francisco from [illegible] 1968 included 26 company presidents, 31 bankers and 5 utility executives. Non-white[illegible] third the San Francisco populatio[illegible] 5% of the jurors.

While testimony is given by [illegible] jurors have been seen knitting, [illegible] poker, and asleep. It is little [illegible] grand juries are called rubber stamps [illegible] secutor when it is seen that only 5% [illegible] cases taken before a grand jury di[illegible] decision of a prosecutor.

There are 93 federal judicial [illegible] lanta, for example, is headquarters [illegible] three districts in Georgia), and each [illegible] lar grand jury which meets for a fe[illegible] week or so to rubber stamp criminal [illegible] drawn up by the U.S. Attorney. Twelve [illegible] enough to approve an indictment which [illegible] on testimony that would not stand up [illegible] such as opinion and hearsay. In [illegible] special grand juries may be empanelled [illegible] evidence in special situations, [illegible] crime or drugs. Both types of grand [illegible] in secret, and although they can [illegible] witnesses, in reality the Justice [illegible] cides who to subpoena.

Of most concern to the po[illegible] is the special grand jury called by [illegible] Security Division of the Justice [illegible]

[illegible] Nixon [illegible] control [illegible] Unit's [illegible] prose- [illegible] pleasure [illegible] most [illegible] of people's lives.

[illegible] grand juries not so much [illegible] indictments as to get information. [illegible] seen from the very broad [illegible] typical one being "Tell [illegible] plans you went [illegible] from Cuba, every city you visited, with whom and by what means of trans- [illegible] and who you visited [illegible] during the times [illegible] after you left your apartment [illegible] 1970." This [illegible] into intelligence files where [illegible] witnesses [illegible] in Seattle) [illegible] (Daniel Ellsberg's [illegible] conducted a Boston grand jury in- [illegible] of the Pentagon Papers after a [illegible] Angeles grand jury had already indicted [illegible]. Often the government claims it is in- [illegible] vast conspiracy.

[illegible] jury is a particularly good [illegible] Justice Department. While no- [illegible] you talk to the FBI, you must [illegible] grand jury subpoena. You can [illegible] grand jury virtually any- [illegible] You have no right to a [illegible] inside the jury room The [illegible] Attorney [illegible] fully in command of the pro- [illegible] only is there no judge or de- [illegible] but the grand jurors themselves [illegible] prosecutor [illegible] over.

[illegible] proceedings are secret (al- [illegible] Attorney may share information [illegible] agencies and witnesses may reveal [illegible] want), which helps spread fear [illegible] them harder to organize against [illegible] open court. There are few [illegible] which a witness can make to [illegible] grand jury, and judges don't like to inter- [illegible] jury's operations. Refusing [illegible] with a grand jury can put a per- [illegible] jail on contempt charges for up to [illegible] years.

A federal grand jury investigation is a [illegible] matter for the community in which [illegible] There is a legal defense effort [illegible] witnesses who may be coming [illegible] the country. There is a [illegible] defense to be made by the entire [illegible] Because events occur rapidly in [illegible] of a grand jury, people must be [illegible]

THE SUBPOENA

[illegible] jury subpoenas have gone out to [illegible] involved in political activity, [illegible] periphery of the movement, and [illegible] relationships to

political [illegible] the witnesses [illegible] individual [illegible] conscious [illegible] other [illegible] But the [illegible] that they get in touch [illegible] called in grand jury [illegible]

The [illegible] gives no information [illegible] it does not say what [illegible] say what the grand [illegible] though if the FBI has [illegible] people questions, that may give a [illegible] why you have been called [illegible] to appear at a particular [illegible] time.

The subpoena [illegible] does not put you under arrest [illegible] was treated as a material witness and [illegible] $10,000 bond when she was subpoenaed [illegible] warrant was thrown out [illegible] has been arrested [illegible] you are not under arrest, you [illegible] with the person who gave [illegible] just have to appear at [illegible] specified. You may not [illegible] the use it to get a lawyer who knows [illegible] grand juries (call the local Lawyers Guild).

Sometimes [illegible] government tries to take you directly [illegible] attorney or the grand jury immediately [illegible] have to, and should not, talk [illegible] You should not talk [illegible] grand jury until you talk to your lawyer [illegible] that you want to talk to your lawyer [illegible] the prosecutor nor the grand jury [illegible] you without taking you before [illegible] that you want to get or see an attorney, and he will grant your request.

Eventually, [illegible] appear before the grand jury. [illegible] prosecutor, a court reporter, and [illegible] in the room. The prosecutor [illegible] questions, and the jurors will [illegible] As each question is asked, [illegible] word for word and ask to leave [illegible] see your lawyer. The prosecutor [illegible] you answer, but wait until you [illegible] your lawyer. Under the fifth amendment [illegible] right not to incriminate yourself. [illegible] start talking, you lose ("waive") [illegible] the most innocent question [illegible] for example, stating your name [illegible] right not to answer questions [illegible]

As a [illegible] you should routinely refuse t[illegible] at this stage of the hearing, [illegible] your fifth amendment rights. [illegible] may decide it doesn't want to [illegible] out of you. But if you [illegible] you surrender all your rights [illegible] people you talk about. [illegible] justification for testifying [illegible] have been found in contempt, [illegible] many people urge non-collaboration.

[illegible] at this [illegible] at any other time should you die to try to evade questions. The [illegible] "immunity" are legalized [illegible] government [illegible] changes. Not only is a perjury charge very difficult to defend, but penalties for perjury are much harsher than for simply refusing to testify. Furthermore, the government is making a real effort to trick people into perjury or getting them to commit ("suborning") perjury.

IMMUNITY

After you "have been [illegible]" for a while, the government may bring you before a judge in open court for an "immunity" hearing. In it, the government will ask that you be ordered to testify. If you are "granted" immunity, you lose the right of the fifth amendment and are forced to testify. Immunity means that the testimony you give cannot be used as evidence against you. However, you may still be prosecuted as the result of other people's independent testimony. Thus if the government becomes suspicious of two roommates, it can give them both immunity and then use each one's testimony against the other. Also, the way police share information, your testimony may reappear as if from another source. This is so-called "use immunity," which the Nixon Supreme Court recently upheld. Even though it's a poor substitute for the fifth amendment, you cannot refuse it. (Warning: Only a judge can grant immunity. The FBI has been promising people immunity if they talk, but this promise is meaningless.)

Then you will be taken back to the grand jury room. Again you will be asked questions, and again you should write them down and ask to see your lawyer. This time you should again refuse to answer questions, claiming various other rights, the most important of which being the fourth amendment (illegal search and seizure), which includes illegal wiretapping.

The law requires the government to affirm or deny wiretapping of a grand jury witness who claims that wiretapping has occurred. Usually the answer is no, which may even be sincere, because the government keeps very poor records. (In one case, the government denied tapping, but the witness, an engineer, traced his line and found a bug.) If you have any evidence of tapping--such as weird behavior from your telephone (you should keep a record of when such incidents occur)--the judge may order a thorough examination. Often the government will drop a subpoena rather than reveal the wide extent of its illegal wiretapping.

[illegible]

If after you have [illegible] to testify, you continue to refuse, you may be taken

before a judge for a contempt hearing, again in open court. At this time you will bring up all of your defenses, and the judge will decide whether you had good reason to refuse. If you didn't, you will be found guilty of civil contempt.

Theoretically, civil contempt means that you have failed in your citizenly duty, and that you should be induced to reconsider and mend your ways. Practically, it means you go to jail until either you testify or the grand jury's term expires. Often, though far from always, you can be free on appeal bond while the grand jury's term continues to expire. All this procedure takes very little time--people have gone from subpoena to jail in three days. It is absolutely necessary to be prepared in advance.

POLITICAL RESPONSE

For the witness, it may come down to testifying or jail. Jail may have other consequences, such as loss of economic support or child custody. On the other hand, testifying has many bad effects. Any information can forge a link to a jail term for a brother or sister. Even a lack of knowledge may be significant--if A and B are close friends, and A testifies she hasn't seen B in six months, yet the ISD knows that B was in town recently, it then becomes suspicious that she didn't visit A.

Even if a witness gets out of jail at the grand jury stage, (s)he faces the same choice at the trial stage when (s)he is ordered to testify. Not testifying also has a good effect on other witnesses and supporters.

There is ample information on the choice people made in response to subpoenas from the House Un-American Activities Committee in the '50's to start thinking about this question and discussing it in study groups. Absolute non-cooperation is not an easy decision when it comes time to make the choice. For the lawyer, the first response is to keep the witness out of jail as much as possible.

The official purpose of a grand jury is to protect people against unfair prosecution. Ordinary citizens are supposed to listen to the testimony of witnesses before felony charges are brought against someone. So the second response is to demonstrate to the judge that today's grand jury is not the shield of the innocent it is made out to be, but rather has become a tool of persecution. That realization is key to deciding the narrow legal questions in which judicial policy toward grand juries is expressed.

On the mass level, people must begin to understand how grand juries are being used. Those who do so will also want to learn how to deal with them. Groups desiring to see a video tape of the Grand Juries Seminar should contact the local Lawyers' Guild. Popular support can be as important at a grand jury as at a trial. If a grand jury is empanelled, there will be much organizing and defense work to be done. One thing people can do is be ready to attend open court hearings on very short notice. It is vital that a witness feel that, if (s)he does go to jail, it is in the service of the people. Only if judges know that the general public considers the grand jury an instrument of repression will they feel secure in limiting its power.

The grand jury is a significant arena of struggle, one into which we may be thrust on literally a moment's notice. Although not of our choosing, it is an arena in which we can nevertheless prevail. Court decisions on the draft and conscientious objectors came not because of the legal issues involved, but because of the wrongful war for which people were being conscripted. The fundamental unfairness of grand jury inquisitions can be a similarly radicalizing experience for a community.

The National Lawyers' Guild has set up a national grand jury office (2588 Mission Street, Room 207, San Francisco, CA 94110, 415-285-9206). It also has people touring the country giving grand jury training seminars, one of which was held in Atlanta Nov. 3-5. Information and help on grand juries can be gotten by calling 872-2930 (Atlanta Guild) or 523-2721 (ACLU) here in Atlanta.

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ONASSIS BUILDS PLAYGROUND
FOR JET-SET IN SOUTHWEST AFRICA

NEW YORK (LNS)--With the Riviera getting too crowded and Sardinia being too windy the international jet-set is faced with the problem of finding a new place to hang out.

Reports have it, though, that Greek shipping magnate Aristotle Onassis is hard at work solving the problem. Onassis is currently involved in a multi-million dollar project to build a health spa in the desert of Southwest Africa (Namibia), a territory governed by white-supremacist South Africa.

Namibia, a huge area of 824,295 square miles, has a population of about 2 million native Africans and a white colonial population of 100,000, mostly British, German and Dutch.

The million acre tract is called Paradise Wilds and the plan is to sell sites to the international set. Half the land will be used for villas and half will be set aside as a game preserve.

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PLEASE PAY THOSE DECEMBER BILLS WHEN YOU GET THEM SO THAT WE CAN KEEP OUR BILL COLLECTORS OFF OUR BACKS. THANKS A LOT, WE NEED YOUR HELP.

(Note to editors. Please see graphics section for photos to go with this article.)

"I HAVE NO DOUBT IT WAS A DEPUTY SHERIFF WHO FIRED"

BATON ROUGE, La. (LNS)--At 4:30 in the morning of Thursday, November 16, four people active in the student movement at predominently black Southern University (S.U.) in Baton Rouge were arrested on various misdemeanor charges. Later that morning three or four hundred students gathered at the school's administration building to demand an explanation of the arrests. A short while later two of them lay dead of buckshot wounds in the head.

The events leading up to the shootings began on October 24, around a month after the school term began, when about 1,000 students marched on the state capitol demanding that S.U. President, Dr. Leon Netterville be replaced. The demands focused on the inferior quality of the education at state run Southern University compared to the state's white universities, especially neighboring Louisiana State University (LSU). More student control of academic affairs was also a demand. The march to the capitol followed campus demonstrations in which over 25% of the 9,100 students participated.

Two days later a small group of students representing the protestors took the demands before the state board of education, which named a committee to study the issues. Officials closed the campus on October 31, however, when students marched on the administration building saying they were going to personally escort the school's President Netterville off the campus.

The next day students at the New Orleans campus of S.E. took over the administration building there and demanded that Dean Emmett Bashful resign. Both Bashful and Netterville are black. The New Orleans branch was closed down and when it re-opened on November 6 students boycotted classes and defied orders to leave the administration building, which they had retaken, until November 9 when Bashful submitted his resignation.

On the 10th, students at the Baton Rouge campus began a boycott in support of the original demands. It countinued until the killings on the 16th.

Exactly what happened on the 16th is still a matter of much dispute, with state, local, and school authorities changing their stories several times to jive with the facts as they are uncovered.

Leaders of the student protes, along with many non-activist students, report that when the students gathered at the administration building on the 16th to find out why the others were arrested they were told by Netterville to wait in his office until he returned from a meeting so they could discuss the situation.

Both Netterville and Louisiana Governor Edwin Edwards flatly denied the claim. Edwards claims that Netterville told him of the "planned takeover" as early as Wednesday afternoon and that County Sheriff Al Amiss was aked to stand by. Edwards did not explain how the takeover could have beeen planned before the arrests occurred.

Shortly after Netterville left the students with his promise of a meeting, Sheriff Amiss and a squad of deputies arrived on the scene equipped with riot gear. Amiss claims that he gave the students inside the building five minutes to leave. Many of the students denied hearing such a warning.

But seven minutes after arriving on the scene the deputies opened up on the building with tear gas. The unexpected result was that as some of the students fled the building they picked up tear gas cannisters and returned them to the deputies.

At this point, according to first hand reports, the police lowered their riot guns and fired gas point blank into the crowd. Two of the riot guns contained number three buckshot and the last two students in the mad dash from the building dropped to the pavement.

County coroner Hypolite Landry reported that both Denver A. Smith, 20, of nearby New Roads, La. and Leonard Douglas Brown died from "multiple wounds to the head." One undamaged pellet recovered was "consistent with #3 buckshot," the coroner said, adding that all other pellets recovered from the bodies were nearly identical in size, shape, and weight.

A search made of the campus showed that the only weapons that could be found among the students was "one long knife" according to Sheriff Amiss.

At first both Governor Edwards and Sheriff Amiss stated that none of the deputies could have fired the fatal shots. But as the amonunt of evidence began to mount Edwards was forced to admit that "it is obvious that there are discrepancies and uncertainties." Amiss contends that he is still "positive" that none of his men fired anything except tear gas.

On Friday Edwards told reporters that the deputies were armed with both regular #3 shotgun shells and tear gas shells, and that the two are so close to being identical that "if I held them up, you couldn't tell them apart." He said, however, that he was drawing no conclusions from the fact that the two shells look alike but said that "In the heat of that kind of action, if a deputy was to reach in his pocket and pull out the wrong kind of shell and slip in the gun, even he may not know that he did it."

By Saturday, Governor Edwards had become more definite: "I have no doubt it was a deputy sheriff who fired," Edwards said in a lunchtime interview with three Federal officials and two repoters including L.A. Times reporter Nicholas Chriss.

The "accident" theory of the shooting in fact raises more questions than it answers. There is still the question of why the troopers would need to have live ammunition at all. Added to that now is why shot gun shells and the tear gas cannisters would be made to look so much alike that such a mistake could be made.

After the shootings 650 National Guard troops were brought in to seal off the campus

and the school was ordered closed until after Thanksgiving weekend. When the students return, it is reported from the governor's office, that the National Guard troops will be there again. Also, there will be the same demands that two students died for on the 16th.

The quality of the education at Southern University is still inferior to the quality of education one can receive at mostly white Louisiana State University. And the state board of education is still all white.

Members of Students United, the name given to the protest movement at S.U., say they have no doubts that future protests will also be met with violence. However, Fred Prejean, one of the students arrested in the pre-dawn hours of the 16th, stated that "the students have no plans to drop the issues or to stifle their demands."

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GROUNDS FOR A COFFEE BOYCOTT:
U.S. COMPANIES BUY ANGOLAN COFFEE

NEW YORK (LNS) --If pressed to name the most important U.S. tie with the Portuguese colony of Angola, more prople would probably mention the enormous oil investments of U.S. companies like Gulf Oil, than anyting else. But U.S. imports of Angolan coffee, found on many U.S. breakfast tables, is an even more important financial support of Portuguese colonialism.

It is true that Gulf Oil has invested $150 million in the Cabinda section of Angola since the mid 60's, but in 1970 alone U.S. imports of Angolan coffee reached $75 million. It is estimated that at least $1 million of this is contributed directly to the Portuguese war efforts. And these imports not only help finance Portugal's colonial wars; they also reinforce the exploitation of Angola's 5.5. million blacks who, through a system of compulsory labor, do all the manual work on the coffeee plantations for subsistence wages.

Angola is the fourth largest coffee producer in the world, accounting for 5.2 percent of world coffee exports. The U.S. takes 15 percent of this coffee with thirty percent of the revenue going to the Portuguese government.

Portuguese law stipulates that every African in the Portuguese colonies must be able to prove e employment. But since working a piece of land and living off its produce, the traditional subsistence for black Angolans, is not defined by the Portuguese government as a job, the law effectively forces Africans off their land and into the settler economy. Since 1964, in the coffee districts of Uige and Cuanza Norte, only 14 and 12 percent respectively of the labor force came from those areas. The rest of the workers are forced migrants. Child labor is also used extensively since it costs the employers only 37 percent of the wages for adults.

A boycott of Angolan coffee was successfully carried out by the Dutch Angolan Committee earlier this year. Prior to the boycott Holland was importing about a quarter of all Angola's coffee. Due to the effective organization the Angolan Committee was able to convince Dutch coffee roasters to import coffee from the independent African nations rather than Angola.

The American Committee on Africa suggest that such a boycott could also work in the U.S. The two largest importers of Portuguese coffee beans, J. Aron and Company and A.C. Israel, have confirmed that their two largest buyers of Portuguese coffee are General Foods and Nestle. General Foods produces Maxwell Instant, Maxim, Sanka and Yuban and accounts for more than half of instant coffee sales. (The green robusta beans grown in Angola are used almost exclusively for instant coffee).

Nestle, which markets Taster's Choice, Nescafe and Decaf, accounts for another 23 percent of sales. Other firms that buy from the two importers are Hills Brothers and Standard Brands (Chase and Sanborn).

To eliminate Portugal from the coffeee market or at least lower their sales would mean a major diplomatic and political defeat for Portugal and would be a strong aid to the liberation forces in Angola. For further information regarding a boycott of Angolan coffee, contact the American Committee on Africa, 164 Madison Avenue, New York, N.Y.

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(Thanks to Robert Manning for the information in this article.)

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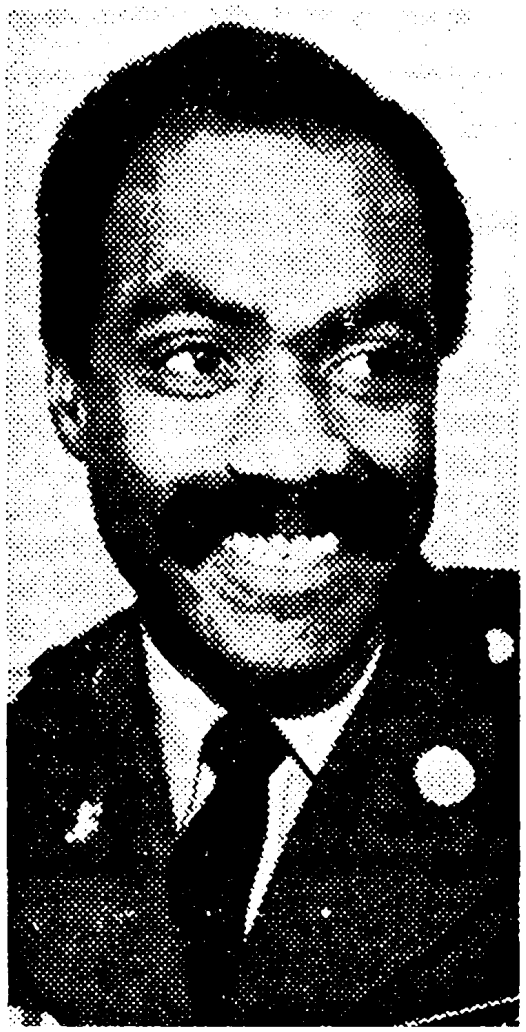
TOBACCO FINDS GOLD MINE IN SPORTS COMPETITION

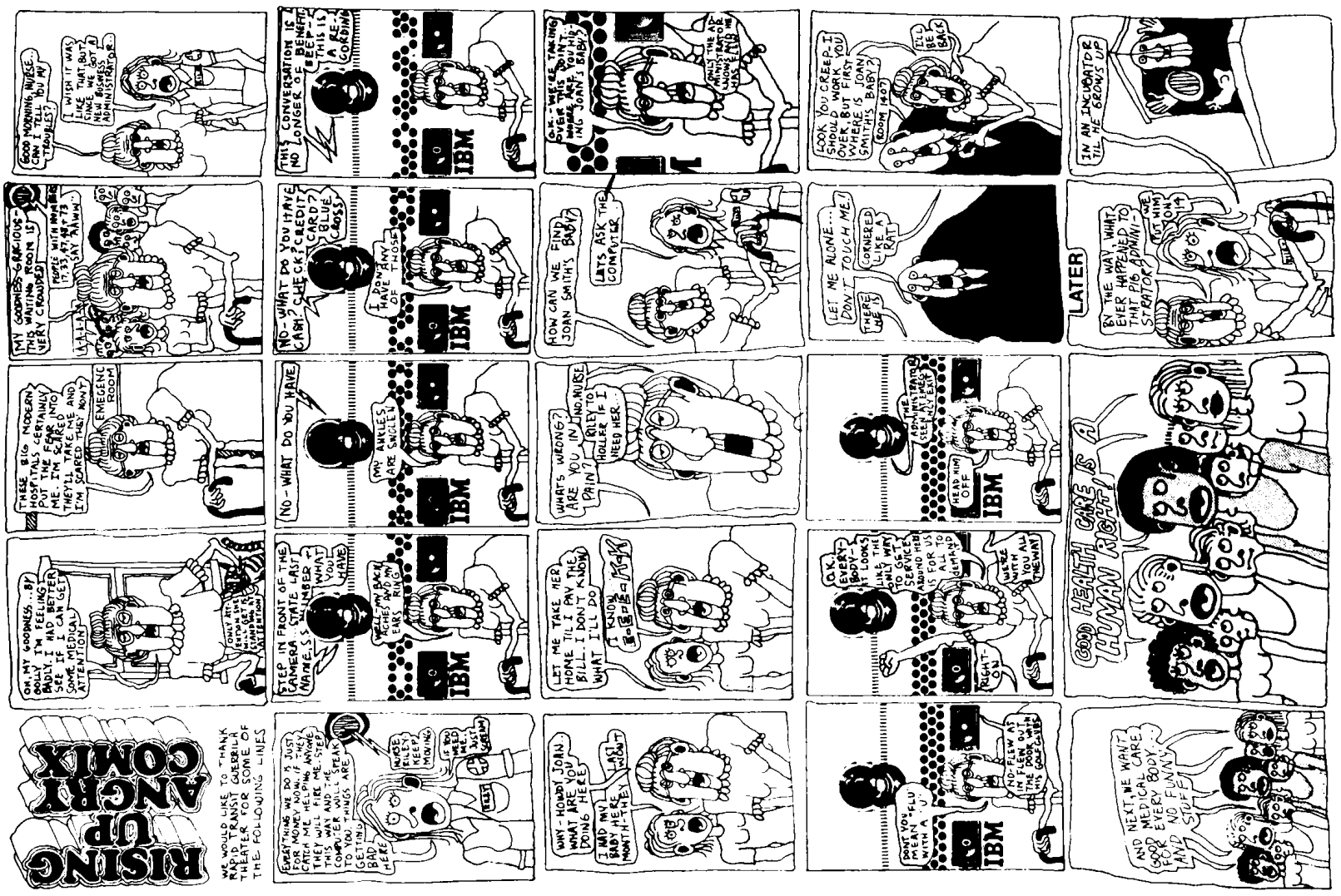
NEW YORK (LNS) --If you recall how the cigarrette companies moaned about their certain demise when Congress kicked them off radio and TV, you may be interested to know thay they're doing better than ever. In 1971 the tobacco industry manged to sell over 540 billion cigarettes, an all-time record.

More ironically, however, professional sports events have become the major means of advertising a product which the U.S. Surgeon General "has determined...is dangerous to your health." As if to combat the bad publicity of anti-smoking campaigns, as well as their ouster form the airwaves, ad agencies with cigarette accounts quickly increased their efforts to identify with the healthy world of sport. They found that they could get their cigarette's name on a race, or a game, or a whole tournament by offering the right amount of prize money. In the process, the companies get an implied endorsement from the athletes who compete for their prizes.

The Winston Awards have sweetened the pot for rodeo contestants by more than $100,000 this year, and the Winston-Salem Company is also offering about half a million dollars to the winners of several professional bowling tournaments. Then there's the Marlboro Tennis

CONTINUED ON THE INSIDE FORNT COVER..



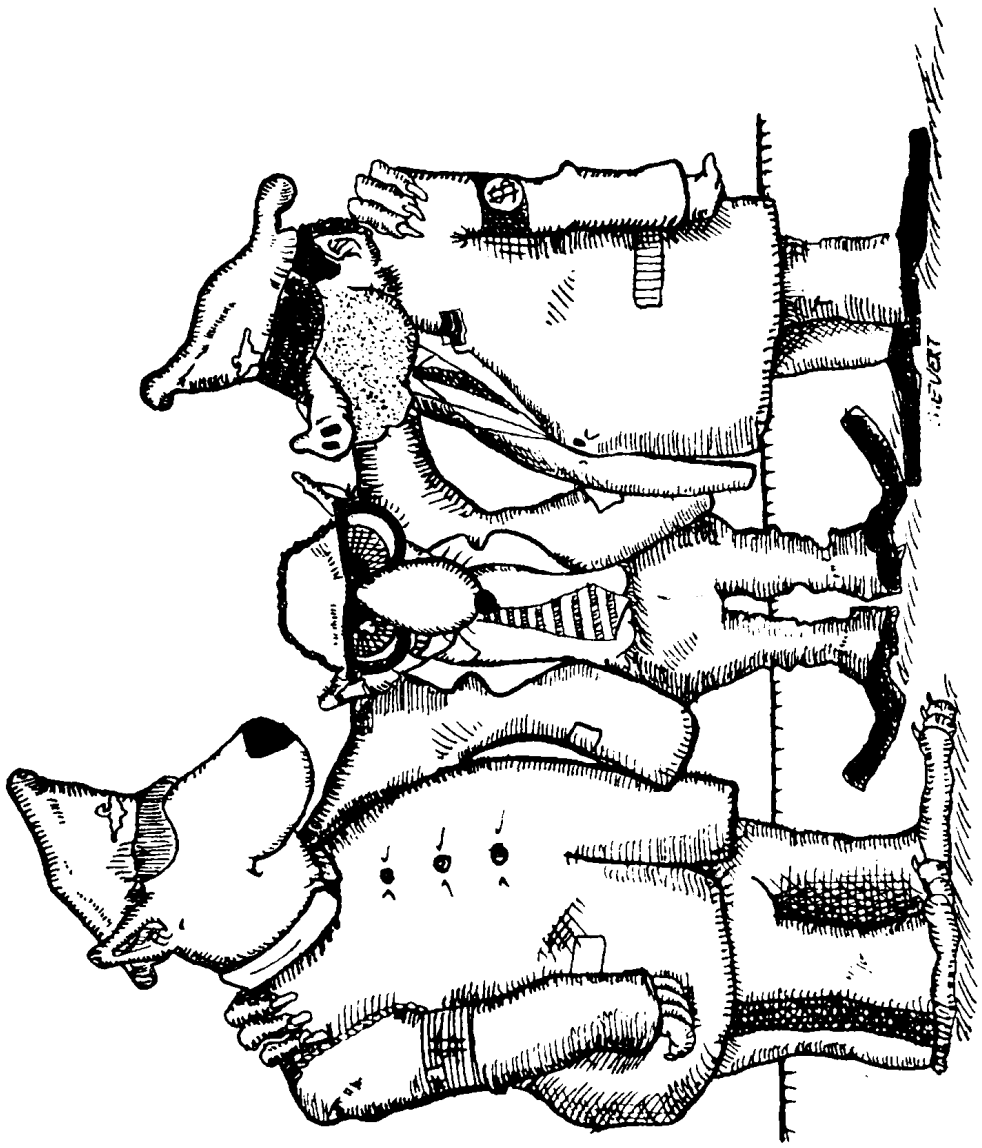

RISING UP ANGRY COMIX
WE WOULD LIKE TO THANK WALD RANDT GUERILLA THEATER FOR SOME OF THE FOLLOWING LINES
OH, MY GOODNESS... BY GOLLY I'M FEELING BADLY. I HAD BETTER SEE IF I CAN GET SOME MEDICAL ATTENTION!
ONLY ATTENTION BEFORE YOU CAN SEE THE DOCTOR
THESE BIG MODERN HOSPITALS CERTAINLY PUT THE FEAR INTO ME. I'M SCARED THEY'LL TAKE ME AND I'M SCARED THEY WON'T.
EMEGENC ROOM
MY GOODNESS-GRACIOUS- THIS WAITING ROOM IS VERY CROWDED!
PEOPLE WITH INJURIES 17, 33, 47, 62, 73 SAY "AWWW."
GOOD MORNING, NURSE. CAN I TELL YOU MY TROUBLES?
I WISH IT WAS LIKE THAT, BUT SINCE WE'VE GOT A NEW BUSINESS ADMINISTRATOR...
STEP IN FRONT OF THE CAMERA. STATE LAST NAME, SS NUMBER - WHAT YOU HAVE
NO - WHAT DO YOU HAVE.
WELL, MY BACK HURTS AND MY EARS RING
MY ANKLES ARE SWOLLEN
NO - WHAT DO YOU HAVE
I DON'T HAVE ANY OF THOSE
THIS CONVERSATION IS NO LONGER OF BENEFIT BEEP- THIS IS A RE-CORDING
IBM
WHAT'S WRONG? ARE YOU IN PAIN? RILEY TO HOLLER IF I NEED HER...
WHAT'S WRONG? ARE YOU IN PAIN? NURSE RILEY TO HOLLER IF I NEED HER...
LET ME TAKE HER HOME TILL I PAY THE BILL. I DON'T KNOW WHAT I'LL DO
I KNOW
WHY - HOWDY JOAN. WHAT ARE YOU DOING HERE
I HAD MY BABY HERE MONTH - THEY
HOW CAN WE FIND JOAN SMITH'S BABY?
LETS ASK THE COMPUTER
O.K. - WE'RE TALKING WHERE THIS DOWN-TRODDEN JOAN'S BABY?
ONLY THE ADMINISTRATOR HAS THE KNOWLEDGE TO ME
LET ME ALONE... DON'T TOUCH ME!
THERE'S LIFE IS
CORNERED LIKE A RAT
LOOK YOU CREEP! I SHOULD WORK YOU OVER, BUT FIRST WHERE IS JOAN SMITH'S BABY?
ROOM 1407
I'LL BE BACK
O.K. EVERY-BODY - IT LOOKS LIKE THE ONLY WAY TO GET SERVICE AROUND HERE IS FOR US ALL TO DEMAND
WE'RE WITH YOU ALL THE WAY
RIGHT ON
THE ADMINISTRATOR SEEN ALL WEEK
HEAD HIM OFF
DON'T YOU MEAN "FLU" WITH A U
NO - FLEW AS IN FLEW OUT THE DOOR WITH THE GOOD CASH
GOOD HEALTH CARE IS A HUMAN RIGHT!
IN AN INDIGNATION TIL HE BROWS UP
LATER
BY THE WAY, WHAT EVER HAPPENED TO THAT FIG ADMIN! - WE GOT HIM FIRED
AND NEXT WE WANT GOOD MEDICAL CARE FOR EVERY BODY - NO FUNNY STUFF!

TOP RIGHT: In order to force Southern University studenta from the administration building, cops wearing flak jackets used tear gas and shotguns. See story on page 9 CREDIT: LNS.

TOP LEFT: Billy Dean [illegible] See story page 1. CREDIT: LNS.

BOTTOM: Rising Up Angry Comix. CREDIT: RISING UP ANGRY/LNS.

drawing by Reg Winter



TOP MIDDLE: Women's Liberation symbol with rifle redrawn from Down the River, CREDIT: DOWN THE RIVER/LNS.

MIDDLE RIGHT: Tourist dollars contribute to repression in Spain, from a Spanish left publication. CREDIT: ACCION/LNS.

MIDDLE LEFT: Two women. CREDIT:Reg Winter/ COLUMBUS FREE PRESS/LNS.

BOTTOM RIGHT: Under the banner, "Laws Protecting Women," man rides a woman's back. CREDIT: BERKELEY BARB/LNS.

BOTTOM LEFT: Nixon-Kissinger-Agnew, animal friends. CREDIT: Bill Sievert/COLLECTIVE EYE FILMS/LNS.